

# **Exhibit 5**

**From:** [Disher, Todd](#)  
**To:** [Rachel Wainer Apter](#); [Nina Perales](#); [Celina Moreno](#)  
**Cc:** [Kenneth Levine](#); [Jeremy Hollander](#); [Robins, Jeffrey \(CIV\)](#); [Biggs, Adam](#); [Starr, Brantley](#); [Bitter, Adam](#); [Alejandra Avila](#); [Ernest Herrera](#); [Denise M. Hulett](#); [Peroyea, Trent](#); [Moreno, Cristina](#)  
**Subject:** RE: Texas, et al. v. United States, et al. - Defendant-Intervenors" Lay Witness Availability  
**Date:** Monday, June 11, 2018 4:08:32 PM

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All,

Here is a summary of our deposition schedule to date. Kenneth Palinkas is available on June 19 starting at 3:30 p.m. Eastern at 26 Federal Plaza, New York, NY 10278, Room 403.

We are waiting for a date for Chief Acevedo. We are also waiting for confirmation of the New Jersey schedule and the lawyer representing the non-party witnesses. New Jersey expects to get us that information tonight.

6/14:

- Leo Lopez: Austin, TxOAG Office, 9:00 a.m.

6/15:

- Esther Jeon: Chicago, MALDEF office, 9:00 a.m.
- Jose Magana-Salgado: Washington DC, MALDEF office, 9:00 a.m.

6/16

- Karla Perez: Houston, TxOAG Office, 11:00 a.m.

6/18

- New Jersey witnesses (TBD): NJ OAG Office

6/19

- New Jersey witnesses (TBD): NJ OAG Office
- Monica Smoot: Austin, TxOAG Office, 9:00 a.m.
- Kenneth Palinkas: New York City, 3:30 p.m.

6/20

- Brian Manly: Austin, TxOAG Office, 1:00 p.m.

6/21

- Nancy Adossi: Houston, TxOAG Office, 9:00 a.m.

6/29

- Sarah Saldana: Dallas, TxOAG office, 9:00 a.m.

Todd

**Todd Lawrence Disher**  
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**From:** Rachel Wainer Apter [mailto:Rachel.Apter@njoag.gov]  
**Sent:** Sunday, June 10, 2018 5:43 PM  
**To:** Disher, Todd <Todd.Disher@oag.texas.gov>; Nina Perales <nperales@MALDEF.org>; Celina Moreno <cmoreno@MALDEF.org>  
**Cc:** Kenneth Levine <Kenneth.Levine@law.njoag.gov>; Jeremy Hollander <Jeremy.Hollander@law.njoag.gov>; Robins, Jeffrey (CIV) <Jeffrey.Robins@usdoj.gov>; Biggs, Adam <Adam.Biggs@oag.texas.gov>; Starr, Brantley <Brantley.Starr@oag.texas.gov>; Bitter, Adam <Adam.Bitter@oag.texas.gov>; Alejandra Avila <Avila@MALDEF.org>; Ernest Herrera <eherrera@MALDEF.org>; Denise M. Hulett <Dhulett@MALDEF.org>  
**Subject:** RE: Texas, et al. v. United States, et al. - Defendant-Intervenors' Lay Witness Availability

All,

We are trying to find a two day period in which all of our lay witnesses can be made available for deposition in Newark, New Jersey, and are hopeful that we will be able to have that set by 2pm Central Time tomorrow.

Also, like Defendant Intervenors, we listed Mr. Neufeld in an abundance of caution because we plan to rely on his prior sworn statements.

Finally, we will not be relying on any statement from President Dr. Harvey Kesselman, so he can be removed from the list.

Thank you,  
Rachel

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**From:** Disher, Todd [<mailto:Todd.Disher@oag.texas.gov>]  
**Sent:** Sunday, June 10, 2018 5:25 PM  
**To:** Nina Perales; Celina Moreno  
**Cc:** Kenneth Levine; Rachel Wainer Apter; Jeremy Hollander; Robins, Jeffrey (CIV); Biggs, Adam; Starr, Brantley; Bitter, Adam; Alejandra Avila; Ernest Herrera; Denise M. Hulett  
**Subject:** Re: Texas, et al. v. United States, et al. - Defendant-Intervenors' Lay Witness Availability

Thank you. Please have dates for the rest of your witnesses for our conference call tomorrow at 2:00. Same for New Jersey.

Todd

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**From:** Nina Perales <[nperales@MALDEF.org](mailto:nperales@MALDEF.org)>

**Sent:** Sunday, June 10, 2018 2:35:51 PM

**To:** Celina Moreno

**Cc:** Disher, Todd; Kenneth Levine ([Kenneth.Levine@law.njoag.gov](mailto:Kenneth.Levine@law.njoag.gov)); Rachel Wainer Apter ([Rachel.Apter@njoag.gov](mailto:Rachel.Apter@njoag.gov)); Jeremy Hollander ([Jeremy.Hollander@law.njoag.gov](mailto:Jeremy.Hollander@law.njoag.gov)); Robins, Jeffrey (CIV); Biggs, Adam; Starr, Brantley; Bitter, Adam; Alejandra Avila; Ernest Herrera; Denise M. Hulett  
**Subject:** Re: Texas, et al. v. United States, et al. - Defendant-Intervenors' Lay Witness Availability

Counsel,

Defendant Intervenors' lay witness Jose Magana-Salgado is available for deposition in Washington DC on June 15-20, 22-27 and 29.

Thank you,

Sent from my iPhone

On Jun 10, 2018, at 1:54 PM, Celina Moreno <[cmoreno@MALDEF.org](mailto:cmoreno@MALDEF.org)> wrote:

Counsel,

Please see Defendant-Intervenors' amended list of lay witnesses adding Brian Manley, chief of the Austin Police Department. Our apologies for the late addition.

Thanks,

Celina

Celina Moreno  
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